

REMARKS/ARGUMENTS

Amendments

The description and Figure 7 are amended to correct several oversights that are grammatical, clerical or typographical in nature. These oversights are noted in paragraphs 1-4 of the Office Action. Paragraph 2 of the Office Action notes a problem with reference designator 1034, which does not appear on the figures. Our amendment presumes reference designator 1044 was intended instead of 1034.

Additionally, the claims are modified in the amendment. More specifically, claims 1, 9 and 14 have been amended and new claims 21-26 have been added. Therefore, claims 1-26 are present for examination. No new matter is added by these amendments.

Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §175 Rejection

Claims 6 and 19 are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant disagrees with the position that "message" is not narrower than "information." A "message" is one way to encapsulate "information" and gives the "information" some construct.

"Information" can exist in a stream, a file, a byte, a memory, a radio signal a message, etc. By saying receiving "information" includes receiving a "message," it is a further limitation because it narrows all the possible ways "information" might exist. Reconsideration is respectfully requested.

35 U.S.C. §112 Rejection, First Paragraph

Claims 1-20 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Attention is drawn to the following quote from page 10, lines 30-32, of the application: "A threshold *determination* is made to decide if the data structure 308 is authorized by checking the entitlements in the rights message 600 in step 1008." [Emphasis Added]. Taken in context, it is clear that a determination is made to see if the conditional access receiver is authorized. Reconsideration is respectfully requested.

35 U.S.C. §112 Rejection, Second Paragraph

Claims 1-20 are also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. As best understood by the Applicants, the Office Action appears to take the position that there is some discrepancy between the claims and the specification, which is addressed in the preceding section of this response. It is unclear to the Applicants how this could be a 35 U.S.C. §112, second paragraph, issue as the claims seem to particularly point out the subject matter. In order to properly respond to this rejection, clarification of what is unclear in the claim is respectfully requested.

35 U.S.C. §102 Rejection, Wasilewski

The Office Action has rejected claims 1-4, 6-11, 13-17 and 19-20 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 5,420,866 to Wasilewski et al. (hereinafter "Wasilewski"). Wasilewski only teaches transport of video streams that are authorized. This type of prior art is explained in the background section of the application. In contrast, the claimed invention teaches transport of *messages* that are authorized for receipt by a conditional access receiver. The claims are amended to accentuate that both a video stream is authorized and a message is authorized. Indeed, any use of Wasilewski in a rejection for both of these operations would not make sense since Wasilewski is only concerned with video streams and not messages. Reconsideration is respectfully requested.

35 U.S.C. §103 Rejection, Wasilewski in view of McClellan et al.

The Office Action has rejected claims 5, 12 and 18 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 5,420,866 to Wasilewski et al. (hereinafter "Wasilewski") in view of the cited portions of U.S. Patent No. 5,619,250 to McClellan (hereinafter "McClellan"). The amended claims make clear that this combination is not practical as McClellan does not perform authorization of the software module. A combination of Wasilewski and McClellan would authorize the video stream, but not the software message. Reconsideration of the rejection is respectfully requested.

Appl. No. 09/740,559
Amdt. dated 8/24/2004
Reply to Office Action of May 24, 2004

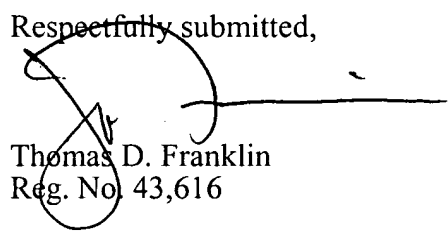
PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged. Reconsideration of the claims in their current form is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Thomas D. Franklin
Reg. No. 43,616

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
Attachments
TDF:cmb
60227835 v1



(Annotated Sheet Showing Change)

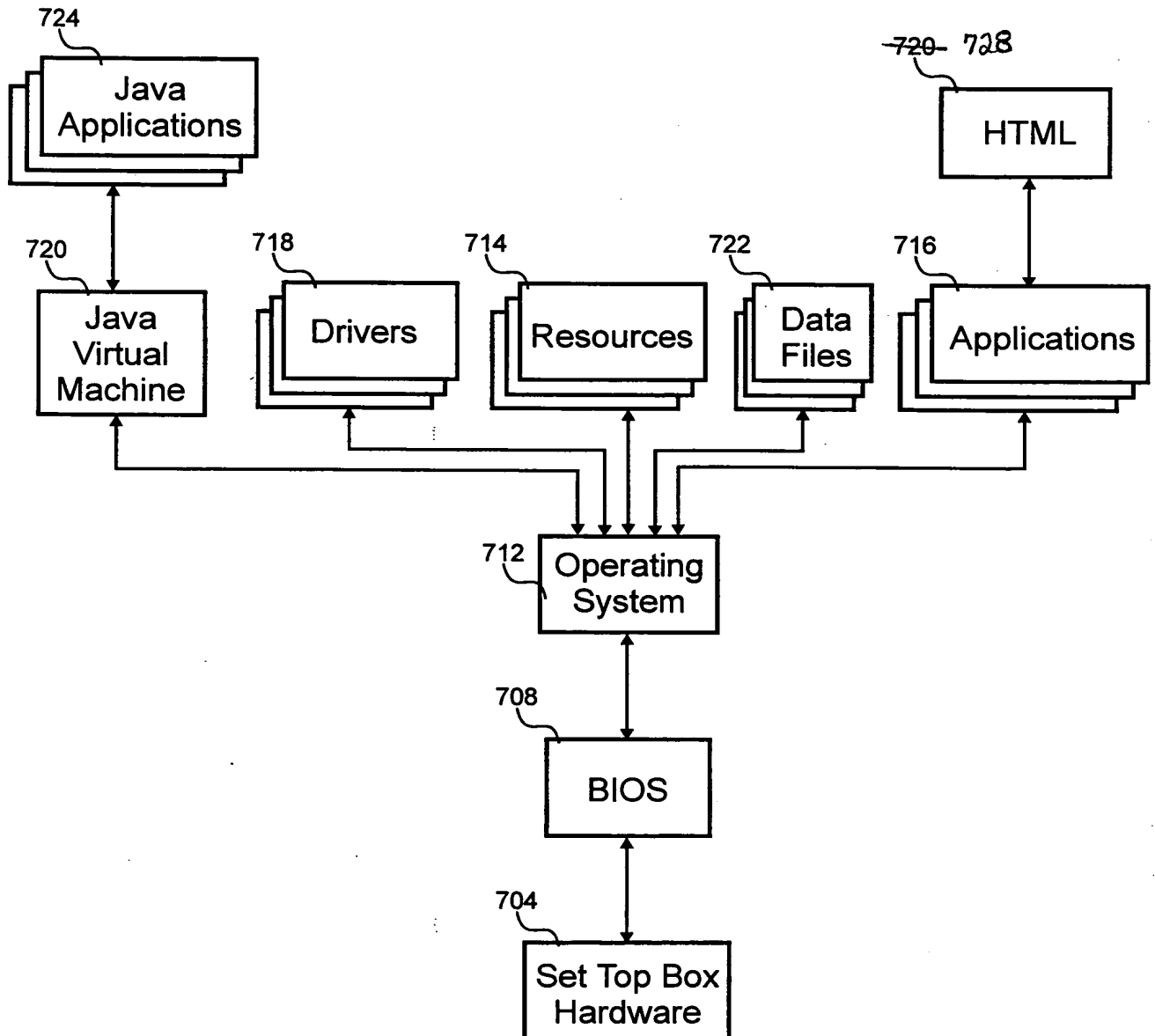


Fig. 7